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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND VENUE

UNITED STATES OF AMERICA,	)	No. 13-70301-01 MAG
	)	
Plaintiff,	)	STIPULATED MOTION AND
	)	[PROPOSED] ORDER CONTINUING
vs.	)	PRELIMINARY HEARING OR
	)	ARRAIGNMENT DATE AND WAIVING
ERIC D. SMITH,	)	TIME UNDER SPEEDY TRIAL ACT TO
	)	MAY 17, 2013 at 9:30 a.m.
Defendants.	)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order pursuant to Federal Rule of Criminal Procedure 5.1(d) continuing the arraignment or preliminary hearing date for Defendant Eric Demetrius Smith to May 17, 2013 at 9:30 a.m. before the Honorable Kandis A. Westmore. Counsel for the defendant believes that postponing the preliminary hearing is in her client's best interest and that it is not in her client's best interest for the United States to present an indictment before the current April 5, 2013 preliminary hearing date. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension.

Defendant also agrees to toll and to waive for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties agree and stipulate that defense counsel needs time to review discovery and that an exclusion of time under the Speedy Trial Act for effective preparation of counsel is warranted pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). Undersigned defense counsel represents that she has spoken with her client, and that Mr. Smith agrees to the continuance and to time being tolled and waived as requested.

**IT IS SO STIPULATED.**

DATED: April 1, 2013

Respectfully submitted,

MELINDA HAAG  
United States Attorney

/s/  
 RODNEY C. VILLAZOR  
 Assistant United States Attorney

/s/  
ANGELA HANSEN  
Attorney for Eric D. Smith

**IT IS SO ORDERED.**

Based on representations made at the hearing on April 1, 2013, it is also appropriate to exclude time for continuity of counsel due to Defense counsel's unavailability from May 2, 2013 to May 6, 2013.

DATED:

KANDIS A. WESTMORE  
United States Magistrate Judge